

# **Exhibit A**

## **Proposed Order**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS )

MDL No. 1:13-md-2419-RWZ

**MDL Order No. 8**  
**June \_\_\_\_, 2014**

The Plaintiffs' Steering Committee ("PSC") has moved the Court for entry of an order (1) granting all Virginia plaintiffs unfettered access to all documents and things (including, but not limited to, answers, cross-claims, answers to interrogatories, responses to requests for admission, responses to request for production, and deposition testimony)<sup>1</sup> previously served, prepared, produced, and/or given by, for, or on behalf of defendants Insight Health Corp., Image Guided Pain Management, John Mathis, M.D., and/or Robert O'Brien, M.D., as well as circuit court opinions and orders, in the cases styled *Sharon G. Wingate, Executor of the Estate of Douglas Gray Wingate, deceased v. Insight Health Corp., et al.* and *Chance E. Baker v. Insight Health Corp.*, (2) incorporating all such documents and things in all other cases in the MDL involving a Virginia plaintiff, and (3) allowing all such documents and things to be used in all other cases in the MDL involving a Virginia plaintiff to the same extent as if served, prepared, produced, given, rendered, and/or entered in each such other case.

The Court has considered the arguments set forth in the memorandum submitted in support of the motion, as well arguments set forth in opposition to the motion. In order to promote efficiency in the conduct of this litigation, preserve scarce resources and avoid piecemeal litigation, it is hereby ORDERED that the motion is granted and:

<sup>1</sup> See Exhibit A to Memorandum in Support for a listing of some such documents and things.

1. Defendants Insight Health Corp., Image Guided Pain Management, John Mathis, M.D., and Robert O'Brien, M.D. shall provide unredacted copies all such documents and things (including, but not limited to, answers, cross-claims, answers to interrogatories, responses to requests for admission, responses to request for production, and deposition testimony) to Lead Counsel within ten (10) days of the date of entry of this order.

2. All parties shall have thirty days from the date of entry of this order in which to designate any documents and things contained in such production as "Confidential Discovery Material" in accordance with, and subject to, this Court's Third Amended Protective Order of Confidentiality.<sup>2</sup>

3. Upon the expiration of such 30 day period, Lead Counsel shall deposit the documents and things with the appropriate document repository and make it accessible to parties to this litigation in accordance with, and subject to, the previous orders of this Court.

4. All documents and things previously served, prepared, produced, and/or given by, for, or on behalf of defendants Insight Health Corp., Image Guided Pain Management, John Mathis, M.D., and/or Robert O'Brien, M.D., as well as circuit court opinions and orders, in the cases styled *Sharon G. Wingate, Executor of the Estate of Douglas Gray Wingate, deceased v. Insight Health Corp., et al.* and *Chance E. Baker v. Insight Health Corp.* are hereby incorporated in all other cases in the MDL involving a Virginia plaintiff.

5. All documents and things previously served, prepared, produced, and/or given by, for, or on behalf of defendants Insight Health Corp., Image Guided Pain Management, John Mathis, M.D., and Robert O'Brien, M.D., as well as circuit court opinions and orders, in the cases styled *Sharon G. Wingate, Executor of the Estate of Douglas Gray Wingate, deceased v. Insight Health Corp., et al.* and *Chance E. Baker v. Insight Health Corp.* may hereby be used in

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<sup>2</sup> Doc. No. 814.

all other cases in the MDL involving a Virginia plaintiff to the same extent as if served,  
prepared, produced, given, rendered, and/or entered in each such other case.

Dated: \_\_\_\_\_

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RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE